

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

MARSHA ROBYN WALLEN, *et. al.*,

Plaintiffs,

v.

**ST. LOUIS METROPOLITAN TAXICAB
COMMISSION, *et al.*,**

Defendants.

Case No. 4:15-cv-1432-HEA

JOINT PROPOSED SCHEDULING PLAN

COME NOW the parties, by and through their attorneys, and respectfully submit a Joint Proposed Scheduling Plan pursuant to this Court's Order of November 10, 2015 (Doc #20):

I. Scheduling Plan

1. The parties agree that this case is properly assigned to Track 2 (Standard) modified as set forth herein.
2. Initial Rule 26(a) disclosures shall be served on opposing parties no later than January 21, 2016.
3. All motions for joinder of additional parties or amendment of the pleading should be filed no later than March 8, 2016.
4. Motions to amend the pleadings, including the commencement of a third party action, shall be filed by March 8, 2016 (which date shall be no later than 90 days following the Scheduling and Discovery Conference).
5. Discovery shall proceed in the following manner:
 - a) The parties shall agree on a protocol for the production of electronically

stored information (ESI). That protocol shall provide, at a minimum, for the production of ESI in a TIFF format with accompanying customary metadata, and an accompanying generic (or requested) load file with standard delimiters. Any materials produced in native format shall be produced with a link to a generic (or requested) load file. To the extent that material produced in native format requires proprietary software to read the material, the producing party shall ensure that the receiving party has access to such software. Any encrypted material will be provided in a fashion that allows the receiving party to decrypt or otherwise review it. The parties will meet and confer regarding the protocol for production of non-ESI documents. In the event that the parties are unable to agree on an ESI protocol, the parties will present the matter to the Court for resolution.

- b) The parties shall agree on the terms of an appropriate protective order designed to preserve the confidentiality of trade secret or competitively sensitive information that is produced in connection with this litigation, and shall present that protective order to this Court for consideration. In addition to addressing confidentiality, the protective order shall include a provision that, pursuant to Federal Rule of Evidence 502(d), inadvertent production of any documents in this proceeding shall not, for purposes of this proceeding or any other proceeding in any other court, constitute, on its own, a waiver of any attorney-client privilege or attorney work product applicable to those documents, and shall include a provision that allows a producing party to reclaim any inadvertently produced document

containing such privileged information.

- c) Discovery shall not be conducted in phases or limited to certain issues.
- d) The parties may call expert witnesses.
 - 1. The plaintiffs shall disclose expert witnesses and provide the reports required by Fed. R. Civ. P. 26(a)(2) no later than August 5, 2016.
Plaintiffs shall make experts available for deposition no later than August 26, 2016.
 - 2. Defendants shall disclose expert witnesses and provide the reports required by Fed. R. Civ. P. 26(a)(2) no later than October 10, 2016.
Defendant shall make experts available for deposition no later than October 31, 2016.
 - 3. Any rebuttal experts shall be disclosed and shall provide the reports required by Fed. R. Civ. P. 26(a)(2), no later than November 21, 2016, and be made available for deposition no later than December 12, 2016.
- e) The plaintiffs collectively shall be entitled to a total of fifty (50) interrogatories to the defendants collectively. Similarly, the defendants collectively shall be entitled to a total of fifty (50) interrogatories to the plaintiffs collectively. The presumptive limit of ten (10) depositions per side as set forth in Fed. R. Civ. P. 30(a)(2)(A) should be increased to fifteen (15) depositions per side.
- f) Motions for physical or mental examinations of parties pursuant to Fed. R. Civ. P. 35 will not be made.
- g) The parties shall complete all discovery in this case no later than

December 12, 2016 (which date shall be no later than 115 days before the first day of the month of the presumptive trial month). Any written interrogatories, requests for production, or requests for admission served after the date of the Scheduling and Discovery Order shall be served at such a time that allows the served parties the full 30 days as provided by the Federal Rules of Civil Procedure in which to answer or produce by the discovery cut-off date.

- h) The parties are directed to work in good faith to resolve any discovery disputes that arise. To the extent that discovery-related motions are necessary, any response to such a motion will be due within 10 days of filing the motion. A reply is due within 7 days of filing the response.
- i) All dispositive motions shall be filed by January 9, 2017 (which date shall be no later than 100 days before the first day of the month of the presumptive trial month). Dispositive motions filed after this date will not be considered by the Court. Parties shall respond to any such motion within 28 days of filing. Any reply is due within 14 days of filing the response.

II. Trial. The parties submit that this case will be ready for jury trial on or after May 8, 2017. It is anticipated that the length of time to try the case to verdict is approximately three weeks.

Dated: December 1, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system on all counsel of record.

/s/ James F. Bennett